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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	No. CR 07-00675 JF
	)	
Plaintiff,	)	STIPULATION AND [PROPOSED]
	)	ORDER EXCLUDING TIME FROM
v.	)	JANUARY 30, 2008 TO MARCH 5, 2008,
	)	and FEBRUARY 1, 2008 TO MARCH 5,
DAVID HINKEL, and	)	2008 FROM THE SPEEDY TRIAL ACT
JEFFREY RYAN SMITH,	)	CALCULATION (18 U.S.C. §
	)	3161(h)(8)(A),(B))
Defendants.	)	

On January 30, 2008, defendant Smith appeared for a hearing before the Honorable Patricia V. Trumbull on a writ of habeas corpus issued on January 29, 2008. At that time, the Court set the matter for a status hearing on March 5, 2008. The parties stipulated to an exclusion of time under the Speedy Trial Act to allow counsel for defendant reasonable time for effective preparation.

On February 1, 2008, defendant Hinkel appeared for a detention hearing before the Honorable Patricia V. Trumbull. At that time, based upon the request of the parties, the Court set the matter for a status hearing, also on March 5, 2008. The parties stipulated to an exclusion of time under the Speedy Trial Act to allow counsel for defendant reasonable time for effective

1 preparation.

2 The United States hereby submits this written request for an order finding that said time  
3 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161, in that the ends of justice are served  
4 by taking such action and outweigh the best interests of the public and defendants in a speedy  
5 trial. 18 U.S.C. § 3161(h)(8)(A). Further, the failure to grant such a continuance would  
6 unreasonably deny counsel for defendants the reasonable time necessary for effective  
7 preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv).

8  
9 DATED: February 27, 2008

JOSEPH P. RUSSONIELLO  
United States Attorney

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11 \_\_\_\_\_/s/\_\_\_\_\_  
EUMI L. CHOI  
12 Assistant United States Attorney

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14 \_\_\_\_\_/s/\_\_\_\_\_  
NICHOLAS HUMY  
15 Counsel for Defendant Hinkel

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17 \_\_\_\_\_/s/\_\_\_\_\_  
SCOTT FURSTMAN  
18 Counsel for Defendant Smith  
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**ORDER**

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between January 30, 2008 and March 5, 2008 as to defendant Smith is excluded under the Speedy Trial Act, 18 U.S.C. § 3161, and, similarly, the time between February 1, 2008 and March 5, 2008 as to defendant Hinkel is excluded under the Speedy Trial Act, 18 U.S.C. § 3161. The Court finds that the ends of justice are served by taking such action and outweigh the best interests of the public and defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A). Further, the failure to grant such a continuance would unreasonably deny counsel for defendants the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv). The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. § 3161(h)(8)(A) and (B) (iv).

IT IS SO ORDERED.

DATED:

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PATRICIA V. TRUMBULL  
UNITED STATES MAGISTRATE JUDGE